

By Ron Lewis

H.B. No. 2916

A BILL TO BE ENTITLED

AN ACT

relating to the administration, powers, duties, and operation of the Edwards Aquifer Authority and the management of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.03(20), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(20) "Underground water" means water percolating below the surface of the earth and that is suitable for agriculture, gardening, domestic or stock raising purposes, but does not include defined subterranean streams or the underflow of rivers [~~has--the meaning--assigned--by--Section--52-0017--Water--Code~~].

SECTION 2. Section 1.14(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) Except as provided by Subsections (d), (f), and (h) of this section and Section 1.26 of this article, for the period beginning January 1, 2000, and ending December 31, 2007, the amount of permitted withdrawals from the aquifer may not exceed 450,000 acre-feet of water for each calendar year.

SECTION 3. Section 1.15(c), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(c) The authority may issue regular permits, term permits, and emergency permits. The authority shall, in issuing the initial regular permits, reduce to the 450,000 acre-feet per year or other

1 maximum required by this Act the initial regular permits if the  
2 maximum beneficial use of water without waste during the historical  
3 period exceeds the 450,000 acre-feet per year or other maximum  
4 withdrawal limitation required by Section 1.14(b).

5 SECTION 4. Section 1.16, Chapter 626, Acts of the 73rd  
6 Legislature, Regular Session, 1993, is amended by amending  
7 Subsection (e) and relettering Subsections (f)-(h) to read as  
8 follows:

9 (e) To the extent water is available for permitting, the  
10 board shall issue the existing user a permit for withdrawal of an  
11 amount of water equal to the user's maximum beneficial use of water  
12 without waste during any one calendar year of the historical  
13 period. An existing irrigation user shall receive an initial  
14 regular permit for the user's maximum beneficial use of water  
15 without waste, but not less than two acre-feet per year for each  
16 acre of land the user actually irrigated in any one calendar year  
17 during the historical period. To the extent water is available for  
18 permitting, and subject to proportionate reduction in accordance  
19 with Subsection (f), the authority shall issue an existing  
20 municipal or industrial user a permit for withdrawal of an amount  
21 of water equal to the user's maximum beneficial use of water  
22 without waste during any one calendar year of the historical  
23 period. If a water user does not have historical use for a full  
24 year, then the authority shall issue a permit for withdrawal based  
25 on an amount of water that would normally be beneficially used  
26 without waste for the intended purpose for a calendar year.

27 (f) If the total amount of water [~~determined--to--have--been~~

1 ~~beneficially--used-without-waste-under-this-subsection]~~ exceeds the  
2 amount of water available for permitting, the authority shall  
3 adjust the amount of water authorized for withdrawal under the  
4 permits proportionately to meet the amount available for permitting  
5 as follows:

6 (1) an ~~[7--An]~~ existing irrigation user shall receive a  
7 permit for not less than two acre-feet a year for each acre of land  
8 the user actually irrigated in any one calendar year during the  
9 historical period; and

10 (2) the authority shall adjust the amount of water  
11 authorized for withdrawal for all other ~~[7--An]~~ existing users  
12 proportionately to meet the amount of water available for  
13 permitting ~~[user-who-has-operated-a-well-for-three--or--more--years~~  
14 ~~during--the--historical--period-shall-receive-a-permit-for-at-least~~  
15 ~~the--average--amount--of--water--withdrawn--annually---during---the~~  
16 ~~historical-period]~~.

17 (g) ~~[f]~~ The board by rule shall consider the equitable  
18 treatment of a person whose historic use has been affected by a  
19 requirement of or participation in a federal program.

20 (h) ~~[g]~~ The authority shall issue an initial regular  
21 permit without a term, and an initial regular permit remains in  
22 effect until the permit is abandoned, cancelled, or retired.

23 (i) ~~[h]~~ The board shall notify each permit holder that the  
24 permit is subject to limitations as provided by this article.

25 SECTION 5. Section 1.29(e), Chapter 626, Acts of the 73rd  
26 Legislature, Regular Session, 1993, is amended to read as follows:

27 (e) In developing an equitable fee structure under this

1 section, the authority may establish different fee rates on a per  
2 acre-foot basis for different types of use. The fees must be  
3 equitable between types of uses. The fee rate for agricultural use  
4 shall be based on the volume of water withdrawn for agricultural  
5 purposes and may not be more than 20 percent of the fee rate for  
6 municipal use. The authority shall assess the fees on the amount  
7 of water a permit holder is authorized to withdraw under the  
8 permit.

9 SECTION 6. Section 1.31(a), Chapter 626, Acts of the 73rd  
10 Legislature, Regular Session, 1993, is amended to read as follows:

11 (a) Not later than December 31, 1999, the [The] owner of a  
12 nonexempt well that withdraws water from the aquifer shall install  
13 and maintain a measuring device approved by the authority designed  
14 to indicate the flow rate and cumulative amount of water withdrawn  
15 by that well. This requirement may be waived by the authority on  
16 written request by a well owner to use an alternative method of  
17 determining the amount of water withdrawn.

18 SECTION 7. The importance of this legislation and the  
19 crowded condition of the calendars in both houses create an  
20 emergency and an imperative public necessity that the  
21 constitutional rule requiring bills to be read on three several  
22 days in each house be suspended, and this rule is hereby suspended,  
23 and that this Act take effect and be in force from and after its  
24 passage, and it is so enacted.

H.B. No. 2916

By Ron Lewis

A BILL TO BE ENTITLED  
AN ACT

Relating to the administration, powers, duties, and operation of the Edwards Aquifer Authority  
and the management of the Edwards Aquifer.

MAR 11 1999

Filed with the Chief Clerk

MAR 15 1999

Read first time and referred to Committee on Natural Resources

Reported    favorably (as amended)  
(as substituted)

Sent to Committee on (Calendars)  
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of    yeas,    nays,    present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of    yeas,    nays,    present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of    yeas,    nays,    present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on   

Reported favorably   

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(   yeas,    nays)

Read second time,   , and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(   yeas,    nays)

Senate and Constitutional 3 Day Rules suspended by a vote of    yeas,    nays

Read third time,   , and passed by (a viva voce vote)  
(   yeas,    nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)